

105TH CONGRESS  
1ST SESSION

# S. 837

To exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms and to allow States to enter into compacts to recognize other States' concealed weapons permits.

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## IN THE SENATE OF THE UNITED STATES

JUNE 5, 1997

Mr. CAMPBELL (for himself, Mr. HATCH, and Mr. CRAIG) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms and to allow States to enter into compacts to recognize other States' concealed weapons permits.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Law Enforcement Pro-  
5       tection Act of 1997”.

1 **SEC. 2. EXEMPTION OF QUALIFIED CURRENT AND FORMER**  
 2 **LAW ENFORCEMENT OFFICERS FROM STATE**  
 3 **LAWS PROHIBITING THE CARRYING OF CON-**  
 4 **CEALED FIREARMS.**

5 (a) IN GENERAL.—Chapter 44 of title 18, United  
 6 States Code, is amended by inserting after section 926A  
 7 the following:

8 **“§ 926B. Carrying of concealed firearms by qualified**  
 9 **current and former law enforcement offi-**  
 10 **cers**

11 “(a) IN GENERAL.—Notwithstanding any provision  
 12 of the law of any State or any political subdivision of a  
 13 State, an individual may carry a concealed firearm if that  
 14 individual is—

15 “(1) a qualified law enforcement officer or a  
 16 qualified former law enforcement officer; and

17 “(2) carrying appropriate written identification.

18 “(b) EFFECT ON OTHER LAWS.—

19 “(1) COMMON CARRIERS.—Nothing in this sec-  
 20 tion shall be construed to exempt from section  
 21 46505(B)(1) of title 49—

22 “(A) a qualified law enforcement officer  
 23 who does not meet the requirements of section  
 24 46505(D) of title 49; or

25 “(B) a qualified former law enforcement  
 26 officer.

1           “(2) FEDERAL LAWS.—Nothing in this section  
 2           shall be construed to supersede or limit any Federal  
 3           law or regulation prohibiting or restricting the pos-  
 4           session of a firearm on any Federal property, instal-  
 5           lation, building, base, or park.

6           “(3) STATE LAWS.—Nothing in this section  
 7           shall be construed to supersede or limit the laws of  
 8           any State that—

9                   “(A) grant rights to carry a concealed fire-  
 10                  arm that are broader than the rights granted  
 11                  under this section;

12                  “(B) permit private persons or entities to  
 13                  prohibit or restrict the possession of concealed  
 14                  firearms on their property; or

15                  “(C) prohibit or restrict the possession of  
 16                  firearms on any State or local government prop-  
 17                  erty, installation, building, base, or park.

18           “(4) DEFINITIONS.—In this section:

19                   “(A) APPROPRIATE WRITTEN IDENTIFICA-  
 20                  TION.—The term ‘appropriate written identi-  
 21                  fication’ means, with respect to an individual, a  
 22                  document that—

23                           “(i) was issued to the individual by  
 24                           the public agency with which the individual

1 serves or served as a qualified law enforce-  
2 ment officer; and

3 “(ii) identifies the holder of the docu-  
4 ment as a current or former officer, agent,  
5 or employee of the agency.

6 “(B) QUALIFIED LAW ENFORCEMENT OF-  
7 FICER.—The term ‘qualified law enforcement  
8 officer’ means an individual who—

9 “(i) is presently authorized by law to  
10 engage in or supervise the prevention, de-  
11 tection, or investigation of any violation of  
12 criminal law;

13 “(ii) is authorized by the agency to  
14 carry a firearm in the course of duty;

15 “(iii) meets any requirements estab-  
16 lished by the agency with respect to fire-  
17 arms; and

18 “(iv) is not the subject of a discipli-  
19 nary action by the agency that prevents  
20 the carrying of a firearm.

21 “(C) QUALIFIED FORMER LAW ENFORCE-  
22 MENT OFFICER.—The term ‘qualified former  
23 law enforcement officer’ means, an individual  
24 who is—

1 “(i) retired from service with a public  
2 agency, other than for reasons of mental  
3 disability;

4 “(ii) immediately before such retire-  
5 ment, was a qualified law enforcement offi-  
6 cer with that public agency;

7 “(iii) has a nonforfeitable right to  
8 benefits under the retirement plan of the  
9 agency;

10 “(iv) was not separated from service  
11 with a public agency due to a disciplinary  
12 action by the agency that prevented the  
13 carrying of a firearm;

14 “(v) meets the requirements estab-  
15 lished by the State in which the individual  
16 resides with respect to—

17 “(I) training in the use of fire-  
18 arms; and

19 “(II) carrying a concealed weap-  
20 on; and

21 “(vi) is not prohibited by Federal law  
22 from receiving a firearm.

23 “(D) FIREARM.—The term ‘firearm’  
24 means, any firearm that has, or of which any

1 component has, traveled in interstate or foreign  
 2 commerce.”.

3 (b) CLERICAL AMENDMENT.—The chapter analysis  
 4 for chapter 44 of title 18, United States Code, is amended  
 5 by inserting after the item relating to section 926A the  
 6 following:

“926B. Carrying of concealed firearms by qualified current and former law en-  
 forcement officers.”.

7 **SEC. 3. AUTHORIZATION TO ENTER INTO INTERSTATE COM-**  
 8 **PACTS.**

9 (a) IN GENERAL.—The consent of Congress is given  
 10 to any 2 or more States—

11 (1) to enter into compacts or agreements for co-  
 12 operative effort in enabling individuals to carry con-  
 13 cealed weapons as dictated by laws of the State  
 14 within which the owner of the weapon resides and is  
 15 authorized to carry a concealed weapon; and

16 (2) to establish agencies or guidelines as they  
 17 may determine to be appropriate for making effec-  
 18 tive such agreements and compacts.

19 (b) RESERVATION OF RIGHTS.—The right to alter,  
 20 amend, or repeal this section is hereby expressly reserved  
 21 by Congress.

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